

Commissioner for Patents
Amendment dated March 23, 2005
Response to Office Action dated November 23, 2004
Page 7 of 11

Serial No.: 10/915435
Art Unit: 2142
Examiner: Harrell
Docket No.: RPS9 2001 0134 US1

Amendments to the Drawings:

Proposed replacement sheets and the corresponding annotated sheets showing changes for Sheets 1 and 3 of the originally filed drawings.

As reflected in the annotated sheets showing changes, the proposed changes for sheet 1 include the addition of a "PRIOR ART" designation as requested by the Examiner.

The proposed changes for sheet 3 include the addition of directional arrows and a Y/N indicator for a decision box in the flow diagram. In addition, the inadvertently omitted word "DATA" has been added to block 310 and the potentially confusing word "CLIENT" has been replaced with the word "REQUEST" in block 314.

Applicant would submit that these changes are made for purposes of clarity and are not made for any reasons related to patentability. Moreover, because the changes are fully supported by the specification as originally submitted, Applicant does not believe that these proposed amendments introduce any new matter.

Attachments:

2 Replacement Sheets
2 Annotated Sheets Showing Changes

Commissioner for Patents
Amendment dated March 23, 2005
Response to Office Action dated November 23, 2004
Page 8 of 11

Serial No.: 10/915435
Art Unit: 2142
Examiner: Harrell
Docket No.: RPS9 2001 0134 US1

REMARKS/ARGUMENTS

Claims 1-26 were presented and examined. The Examiner objected to the title of the invention and to the drawings. The Examiner rejected claims 21-26 under 35 USC § 101, as directed to non-statutory subject matter. The Examiner rejected claims 1-26 under 35 USC § 112, second paragraph as indefinite. Claims 1, 2, 5-12, 15-22, 25, and 26 were rejected under 35 USC § 102(e), as being anticipated by DeSimone *et al.* (U.S. Patent No. 6,138,141), hereinafter "DeSimone". The Examiner indicated claims 3, 4, 13, 14, 23, and 24 as reciting subject matter that is allowable over the cited references. In this response, Applicant has canceled claims 2, 3, 12, 13, 22, and 23 and amended claims 1, 4-6, 9-11, 14-21, and 24-26.

Objection to Title of the Invention

The Examiner objected to the title of the application as non-descriptive. In response, Applicant has given the application a more specific and descriptive title. Accordingly, Applicant would respectfully request the Examiner to withdraw the objection to the title.

Drawing Objections

The Examiner objected to informalities in the drawings as filed and required correction. In response, Applicant has revised Sheet 1 of the drawings by labeling FIG. 1 "PRIOR ART". In addition, Applicant has submitted a proposed substitute drawing sheet for Sheet 3 of the originally submitted drawings to address some grammatical errors and some matters of flow diagram form in the originally submitted drawings. None of these proposed changes is considered to be substantive and these changes are proposed solely for purposes of improving the clarity of the application. These proposed changes are not submitted for any reason related to patentability.

Claim rejections under 35 USC § 101

The Examiner rejected claims 21-26 under Section 101 as being directed to non-statutory subject matter. In response, Applicant has incorporated the claim language regarding a computer readable medium suggested by the Examiner. Accordingly, Applicant believes that claims 21-26

Commissioner for Patents
Amendment dated March 23, 2005
Response to Office Action dated November 23, 2004
Page 9 of 11

Serial No.: 10/915435
Art Unit: 2142
Examiner: Harrell
Docket No.: RPS9 2001 0134 US1

as amended are compliant with the requirements of Section 101 and Applicant would respectfully request the Examiner to withdraw the rejection.

Claim rejections under 35 USC § 112, Second Paragraph

The Examiner rejected claims 1-26 under Section 112, second paragraph as being indefinite.

With respect to the claim 1 language "the storage request," Applicant has amended claim 1 to recite "a storage request" in the first instance of the language.

With respect to the claim 1 language "the requested information," Applicant has amended claim 1 and its dependent claims to recite simply "the information," which language finds antecedent support in the claim 1 preamble.

With respect to the claim 2 language "the client-server connection," Applicant has amended claim 1 to provide antecedent support for this language.

With respect to the claim 3 language "the client-server connection information," Applicant has amended claim 1 to recite "the protocol information" and further amended to provide antecedent basis for this language.

With respect to the claim 4 language "the IP address" and "the source address," Applicant has amended claim 4 to recite "an IP address" and "a source address" where appropriate.

With respect to the claim 10 language "the requested data," Applicant has amended to recite "the information," which finds antecedent support in the parent claim (claim 1).

With respect to the claim 11 language "the server's local cache," Applicant has amended to recite "a local cache of the server."

In addition analogous amendments have been made in claims 11-26.

With respect to the rejection of claims 21-26 as containing means plus function language without a correspondence to structure, material, or acts, Applicant has amended independent claim 21 to recite a computer program product comprising computer executable instructions stored on a computer readable medium wherein the computer executable instructions comprise instructions for...(recited elements). Applicant believes that the "computer readable medium" language inserted in the preamble of claim 21 and the other claim language changes address this aspect of the Section 112, second paragraph rejection. More specifically, claim 21 as amended

*Commissioner for Patents
Amendment dated March 23, 2005
Response to Office Action dated November 23, 2004
Page 10 of 11*

*Serial No.: 10/915435
Art Unit: 2142
Examiner: Harrell
Docket No.: RPS9 2001 0134 US1*

and its dependent claims clearly recite a structure (i.e., the computer readable medium) associated with each of the "instructions for" elements. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the Section 112, second paragraph rejection of claims 21-26.

Applicant wishes to thank the Examiner for so thoroughly reviewing the originally submitted claims.

Claim rejections under 35 USC § 102(e)

The Examiner rejected claims 1, 2, 5-12, 15-22, 25, and 26 under Section 102(b) as being anticipated by DeSimone. In response, Applicant has amended independent claim 1 to incorporate the limitations of originally submitted claims 2 and 3 (now canceled), amended independent claim 11 to incorporate the limitations of originally submitted claims 12 and 13 (now canceled), and amended independent claim 21 to incorporate the limitations of originally submitted claims 22 and 23 (now canceled). Consistent with the Examiner's determination that originally submitted claims 3, 13, and 23 recite allowable subject matter, Applicant submits that the amended independent claims 1, 11, and 21 recite allowable subject matter. Accordingly, Applicant respectfully requests the Examiner to withdraw the Section 102(e) rejection of independent claims 1, 11, and 21 and all remaining pending claims dependent thereon.

Commissioner for Patents
Amendment dated March 23, 2005
Response to Office Action dated November 23, 2004
Page 11 of 11

Serial No.: 10/915435
Art Unit: 2142
Examiner: Harrell
Docket No.: RPS9 2001 0134 US1

CONCLUSION

In this response, Applicant has addressed the Examiner's objections and the claim rejections under 35 USC §§ 101, 112 second paragraph, and 102(e). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

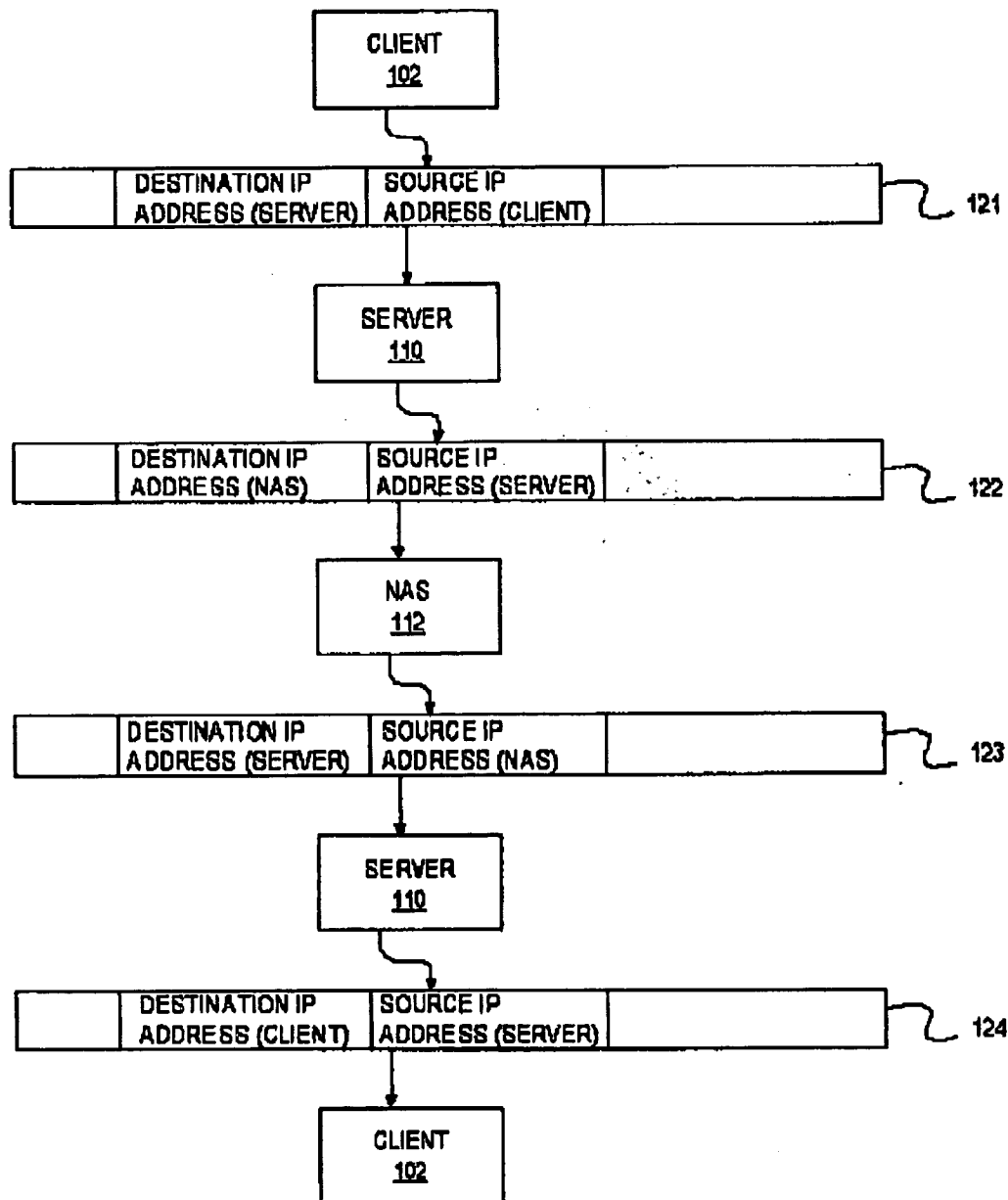
Respectfully submitted,


Joseph P. Lally
Reg. No. 38,947
ATTORNEY FOR APPLICANT(S)

LALLY & LALLY, L.L.P.
P.O. Box 684749
Austin, Texas 78768-4749
512.428.9870
512.428.9871 (FAX)

JPL:mmm

Applicant: Elnozehy and Kistler
Serial: 10915435 Docket: AU8920010134US1
ANNOTATED SHEET SHOWING CHANGES FOR Sheet 1 of 3
Contact: J. Lally 512.428.9870



ADD "PRIOR ART" DESIGNATION

FIG. 1

(PRIOR ART)

Applicant: Elnozahy and Kister
Serial: 10/915,435; Docket: AUB920010134US1
ANNOTATED SHEET SHOWING CHANGES FOR Sheet 3 of 3
Contact: J. Lally 512.428.9870

